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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

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|---|---|--------------------------|---------------------------|
| MEETING DATE December 10, 2015 DETERMINATION DATE October 26, 2015 | CONTACT/PHONE Karen Nall knall@co.slo.ca.us (805) 781-5606 | APPLICANT Jay Jamison | FILE NO. DTM2015-00005 |
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SUBJECT
Determination of conformity with the General Plan for the vacation of Front Street, a paper street, situated south of Nipomo Street in the community of Oceano. The road abandonment is in response to a request by Jay Jamison who is the adjacent property owner of Front Street. The street is located in the Commercial Service land use category within the community of Oceano in the San Luis Bay Inland sub-area of the South County Planning Area.

RECOMMENDED ACTION
Receive and file the determination that the proposed road abandonment is in conformity with the County General Plan.

ENVIRONMENTAL DETERMINATION
This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.

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| LAND USE CATEGORY Commercial Service | COMBINING DESIGNATION Flood Hazard, Airport Review Area | ASSESSOR PARCEL NUMBER N/A – County Right-of-Way | SUPERVISOR DISTRICT(S) 4 |
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PLANNING AREA STANDARDS:
South County Planning Area – San Luis Bay Inland Sub-Area, Flood Hazard, Airport Review Area

LAND USE ORDINANCE STANDARDS:
Section 22.14.030 – Airport Review Area
Section 22.14.060 – Flood Hazard Area

EXISTING USES:
Vacant, undeveloped paper street

SURROUNDING LAND USE CATEGORIES AND USES:
North: Commercial Service / Single Family Residence
East: Commercial Service / Single Family Residences
South: Industrial / Recreational Vehicle Storage
West: Industrial / Recreational Vehicle Storage

TOPOGRAPHY:
Generally level

PROPOSED SERVICES:
Water Supply: N/A
Sewage Disposal: N/A
Fire Protection: N/A

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

PROJECT DESCRIPTION

The proposed project is a request for the vacation of the County's road easement constituting Front Street located south of Nipomo Street and west of 21st Street on behalf of a request submitted by Jay Jamison. The portion of Front Street to be vacated is approximately 0.1 miles (500 feet) and provides connection to Nipomo Street and 21st Street in the community of Oceano (refer to Graphics for more detailed location). The portion of Front Street to be vacated is currently undeveloped with little vegetation. This portion of Front Street is currently fenced and provides for no vehicular or pedestrian access.

The County of San Luis Obispo Department of Public Works submitted a letter of support on September 2, 2015 for the applicant's request for the road vacation. The vacation effectively eliminates an easement right, held by the County on behalf of the public, leaving the underlying ownership (the applicants) without the legal obligation to allow public access.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed by a public agency within the unincorporated area, the proposal must be evaluated for consistency with the General Plan before the action is authorized. Pursuant to Government Code Section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code Section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the county General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.

Staff Response: Front Street is a paper road, undeveloped with minimal vegetation. Front Street is currently fenced and is not being used for public access by the neighborhood that surrounds it. The vacation of Front Street will not interfere with the opportunity to access surrounding properties because existing residences are able to be accessed from Nipomo Street and 21st Street. The vacation is supported by Public Works and complies with the pertinent policies, General Plan elements, and the South County Planning Area Standards because the applicants have formally requested the existing county road easement (Front Street) be vacated, and the road is not currently used for vehicular or pedestrian access.

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan element.

Staff Response: The proposed project is consistent with these goals and policies of the Land Use Element because adjacent properties will continue to have direct and legal access from a public road (Nipomo and 21st Streets).

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

Staff Response: There are no plans to develop or construct at the project site; however, any future construction projects and development shall be designed in conformance with the standards contained in Chapter 8 of the applicable Land Use Element area plan and Land Use Ordinance.

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

Staff Response: The abandonment (also known as vacation) will not interfere with the opportunity to develop on adjacent properties. Currently, Front Street provides no vehicular access or connectivity from Nipomo Street to 21st Street because the area is fenced. The abandonment of County property will allow the road to be transferred to the adjoining property owner (Jay Jamison), who is the sole user of Front Street. The absorbance of this property will allow the property owner to possibly expand and support the neighboring recreational vehicle storage site owned by the applicant.

DETERMINATIONS AND FINDINGS

The proposed abandonment (road vacation) is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. The adjacent properties are zoned Commercial Service and are currently developed with single family residences. Property to the south and west are zoned Industrial and used for recreational vehicle storage. The vacation will not eliminate these uses from continuing or expanding.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating Public Road easement ownership to the adjoining private property owner (the applicant) is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. The vacation of the County's road easement constituting Front Street will not conflict with the applicable sections of the General Plan because the Commercial Service properties will continue to have safe access to their properties via 21st Street and have safe access to the nearest county maintained road (Nipomo Street).

Attachments

1. Graphics
 - Vicinity Map
 - Land Use Category Map
 - Aerial Map
2. Jay Jamison Abandonment Request – September 4, 2015
3. Public Works Memorandum – September 2, 2015